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IN THE CLAIMS

Please cancel Claims 19-22.

Please amend the claims as shown in the marked-up copy following this amendment to read as follows.

1. (Amended) An antimicrobial copolymer [obtainable] obtained by copolymerizing (component I) one or more aliphatically unsaturated monomers, [which have been] said one or more aliphatically unsaturated monomers functionalized by means of an ester group and at least singly functionalized by means of a tertiary amino group, with (component II) [another] one or more second aliphatically unsaturated monomers, [monomer which has been] said one or more second aliphatically unsaturated monomers at least singly functionalized by means of an amino group, [where] wherein component I and component II are different [from one another].

2. (Amended) The antimicrobial copolymer as claimed in claim 1, wherein component II [is composed of] comprises one or more second aliphatically unsaturated monomers, [which have been] said one or more second aliphatically unsaturated monomers at least singly functionalized by means of a tertiary amino group.

3. (Amended) The antimicrobial copolymer as claimed in claim 1 [or 2], wherein component I [is composed of] comprises one or more aliphatically unsaturated monomers,

[whose] said one or more aliphatically unsaturated monomers comprising an ester group [has been] at least singly functionalized by means of an amino group.

4. The antimicrobial copolymer as claimed in [one of claims 1 to 3] claim 1, wherein component I [is composed of acrylate or] comprises one or more acrylates or one or more methacrylates, [which have been] said one or more acrylates or said one or more methacrylates at least singly functionalized by means of a tertiary amino group.

5. (Amended) The antimicrobial polymer as claimed in [one of claims 1 to 4] claim 1, wherein each of components I and II is an aliphatically unsaturated monomer functionalized by means of a tertiary amino group, said tertiary amino group [and] having the [general] formula

$$R^1NR^2R^3$$

where R^1: is a branched, unbranched or cyclic, saturated or unsaturated hydrocarbon radical having up to 50 carbon atoms which may have substitution by O atoms, N atoms or S atoms, and

R^2 and R^3: are branched, unbranched or cyclic, saturated or unsaturated hydrocarbon radicals having up to 25 carbon atoms, which may have substitution by O atoms, N atoms or S atoms, where R^2 and R^3 are identical or different,

[with the proviso that R^1 in monomers of component I contains an] wherein R^1 comprises at least one ester group.

6. (Amended) [The antimicrobial coating made from antimicrobial copolymers] An antimicrobial coating comprising the antimicrobial copolymer as claimed in claim 1 [one of claims 1 to 5], wherein

[the copolymerization is carried out on a substrate] component I and component II are copolymerized on a substrate.

7. (Amended) [The antimicrobial coating made from antimicrobial copolymers] An antimicrobial coating comprising the antimicrobial copolymer as claimed in claim 1 [one of claims 1 to 5], wherein [the copolymerization is carried out as a graft polymerization of a substrate] component I and component II are graft polymerized on a substrate.

8. (Amended) The antimicrobial coating as claimed in claim 7, wherein the substrate is activated prior to [the] graft polymerization by UV radiation, plasma treatment, corona treatment, flame treatment, ozonization, electrical discharge or γ-radiation.

10. (Amended) A process for preparing an antimicrobial copolymer comprising [copolymers by] copolymerizing (component I) one or more aliphatically unsaturated monomers [which have been] , said one or more aliphatically unsaturated functionalized by means of an ester group and a tertiary amino group, with (component II) [another] one or more second aliphatically unsaturated monomers, said one or more second aliphatically unsaturated monomers [monomers which has been] at least singly functionalized by means of an amino group, [where] wherein components I and II are different [from one another].

11. (Amended) The process as claimed in claim 10, wherein component II [is composed of] comprises one or more second aliphatically unsaturated monomers, [which have been] said one or more second aliphatically unsaturated monomers at least singly functionalized by means of a tertiary amino group.

12. (Amended) The process as claimed in claim 10 [or 11], wherein component I [is composed of] comprises one or more aliphatically unsaturated monomers, [whose] said one or more aliphatically unsaturated monomers comprising an ester group [has been] at least singly functionalized by means of an amino group.

13. (Amended) The process as claimed in [one of claims 10 to 12] claim 10, wherein component I [is composed of acrylate or] comprises one or more acrylates or one or more methacrylates, [which have been] said one or more acrylates or said one or more methacrylates at least singly functionalized by means of a tertiary amino group.

14. (Amended) The process as claimed in [one of claims 10 to 13] claim 10, wherein each of components I and II is an aliphatically unsaturated monomer functionalized by means of a tertiary amino group, [and] said tertiary amino group having the [general] formula

$$R^1NR^2R^3$$

where R^1: is a branched, unbranched or cyclic, saturated or unsaturated hydrocarbon radical having up to 50 carbon atoms which may have substitution by O atoms, N atoms or S atoms, and

R^2 and R^3: are branched, unbranched or cyclic, saturated or unsaturated hydrocarbon radicals having up to 25 carbon atoms, which may have substitution by O atoms, N atoms or S atoms, where R^2 and R^3 are identical or different,

[with the proviso that R' in monomers of component I contains an ester group] wherein R^1 comprises at least one ester group.

15. (Amended) The process as claimed in [one of claims 10 to 14] claim 10, wherein [the copolymerization is carried out on a substrate] component I and component II are copolymerized on a substrate.

16. (Amended) The process as claimed in [one of claims 10 to 15] claim 10, wherein [the copolymerization is carried out as a graft polymerization of a substrate] component I and component II are graft polymerized on a substrate.

17. (Amended) The process as claimed in claim 16, wherein the substrate is activated prior to [the] graft polymerization by UV radiation, plasma treatment, Corona treatment, flame treatment, ozonization, electrical discharge or γ-radiation.

Claims 23-26 (New).